

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**ANTONIO WILLIAMS,)
Plaintiff,)
v.) **CASE NO. 2:09CV2187-WMA**
LAKESHORE RIDGE)
APARTMENTS, LLC, and MDIC)
MANAGEMENT, LLC,)
Defendants.)**

**MOTION TO EXTEND DEFENDANTS' EXPERT DISCLOSURE DATE/
JOINT MOTION TO EXTEND DISCOVERY DEADLINES**

COME NOW Plaintiff Antonio Williams ("Plaintiff") and Defendants Lakeshore Ridge Apartments, LLC and MDIC Management, LLC (hereinafter "Defendants," unless separately identified), by and through counsel, and move this Court to modify its Order of July 20, 2010 setting an August 28, 2010 deadline for the Defendants' expert disclosures, and also to modify its February 2, 2010 Scheduling Order (Doc. 16) so as to extend the September 2, 2010 discovery date by an additional 30 days in the above-styled case, and as ground therefor, would show unto this Court as follows:

1. Motion to Extend Defendants' Expert Disclosure Deadline

1. This Court's Scheduling Order set a July 28, 2010 deadline for Defendants' expert reports. (Doc. 16, p.2, para. 7).

2. On July 20, 2010 Defendant Lakeshore Ridge Apartments, LLC moved this Court to extend the July 28, 2010 cutoff date for providing expert disclosures. (Doc. 17).

3. This Court granted this motion on July 20, 2010.

4. Defendants have not yet been able to retain an expert to inspect the subject property, despite diligent attempts thereto. Settlement discussions are ongoing. Accordingly, there is no expert information to disclose at this time.

5. Defendants seek an additional 31 days to retain an expert, arrange an inspection of the subject property, and to provide Rule 26 expert disclosures.

6. Plaintiff's counsel has no objection to an additional 31-day extension of this deadline.

2. Motion to Extend Discovery Cutoff Date

7. This Court's Pretrial Scheduling Order set a September 2, 2010 discovery cutoff date. (Doc. 16, p.1, para. 2). Despite the parties' best efforts, the parties cannot complete discovery by September 2, 2010.

8. As a reason therefor, the parties state that the Plaintiff's attorney has been unable to maintain ordinary office hours due to personal issues beyond Plaintiff's lawyer's control. As an additional reason therefore, the Defendants do not yet have an expert to inspect the subject property.

9. This failure to complete discovery by September 2, 2010 arose after the parties' planning conference, was not foreseeable at the time of the planning conference or when this Court issued the Scheduling Order, and is not attributable to any delay or

inexcusable neglect by either party.

10. Accordingly, the parties jointly move this Court to extend the September 2, 2010 discovery cutoff date found in this Court's Scheduling Order (Doc. 16, p.1, para. 2) by 30 days.

3. Conclusion

WHEREFORE, the above premises considered, Plaintiff Antonio Williams and Defendants Lakeshore Ridge Apartments, LLC and MDIC Management, LLC jointly move this Court to modify its February 2, 2010 Scheduling Order to give the parties an additional 30 days to complete discovery. Defendants further move this Court to extend the cutoff date for providing Defendants' Rule 26 expert information by an additional 31 days. The parties further pray for such other, further, or different relief to which they may be equitably entitled, whether specifically prayed for herein or not.

Respectfully submitted this the 28th day of August, 2010.

/s/ Edward I. Zwilling
EDWARD I. ZWILLING (ASB 1564-L54E)
Attorney for Plaintiff

/s/ Clifton E. Slaten
CLIFTON E. SLATEN (ASB 4091-n73c)
*Attorney for Defendant Lakeshore Ridges
Apartments, LLC*

/s/ G.R. Trawick
G. R. TRAWICK (ASB 7740-i44j)
*Attorney for Defendant MDIC Management,
LLC*

OF COUNSEL:

SCHWARTZ ZWEBEN, LLP
600 Vestavia Parkway, Suite 251
Birmingham, AL 35216
(205) 822-2701 (P)
(205) 822-2702 (F)
ezwilling@szalaw.com

SLATEN & O'CONNOR, P.C.
5960 Carmichael Place, Suite 200
Montgomery, AL 36104
(334) 396-8882 (P)
(334) 396-8880 (F)
cslaten@slatenlaw.com

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